

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

WILLIAM M. HILL,

Petitioner,

Case Number: 2:13-CV-15298

v.

HONORABLE PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

BONITA J. HOFFNER,

Respondent.

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**OPINION AND ORDER GRANTING PETITIONER'S  
REQUEST FOR VOLUNTARY DISMISSAL**

Petitioner William M. Hill, a state inmate currently incarcerated at the Lakeland Correctional Facility in Coldwater, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the Court is Petitioner's request to voluntarily dismiss his petition.

Petitioner seeks dismissal of this action because it was accidentally filed and is duplicative of a petition already pending in this Court. *See Hill v. Hoffner*, No. 5:13-cv-13796. Federal Rule of Civil Procedure 41(a) permits a plaintiff to dismiss an action without leave of the adverse party or the court at any time before service by the adverse party of an answer or of a motion for summary judgment. Respondent has not yet been served and the petition would, in any event, be subject to summary dismissal as duplicative of the earlier-filed petition. *Davis v. U.S. Parole Commission*, No. 88-5905, 1989 WL 25837 (6th Cir. 1989) (holding a district court may dismiss a habeas petition

that is duplicative of an earlier-filed petition); *Marks v. Wolfenbarger*, No. 2:06-cv-14325, 2006 WL 2850340, \*1 (E.D. Mich. Oct. 3, 2006) (Edmunds, J.) (same).

Accordingly, the Court **GRANTS** Petitioner's request for voluntary dismissal and the matter is **DISMISSED WITHOUT PREJUDICE**.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: February 7, 2014

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 7, 2014.

s/Deborah Tofil  
Case Manager